

## **EXHIBIT 2**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
EVA LEE,

Plaintiff,

vs.

NYP HOLDING INC and RAYMOND  
WALSH, JR., an individual,

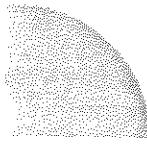
Defendants.

-----X

December 20, 2007

10:14 a.m.

Deposition of RAYMOND E. WALSH,  
held at the offices of Jones Day, 221  
East 41st Street, New York, New York,  
pursuant to Notice, before Theresa  
Tramondo, a Notary Public of the State of  
New York.



**David Feldman**  
Worldwide

12/20/07 10:14 AM  
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	30		31
1	Walsh	1	Walsh
2	A. <b>November of 1997.</b>	2	<b>department runs as smooth as possible.</b>
3	Q. Who gave you that promotion?	3	Q. Who do you supervise?
4	A. <b>John Amann.</b>	4	A. <b>Roughly 115 people.</b>
5	Q. What is John Amann's position at	5	Q. What type of positions do these 115
6	the Post?	6	people have?
7	A. <b>He no longer works there.</b>	7	A. <b>They range from foreman to</b>
8	Q. At that time what was his position?	8	<b>journeyman to flyboys to casuals.</b>
9	A. <b>He was the -- I can't remember.</b>	9	Q. How many individuals work in the
10	Q. Was he part of HR?	10	press room?
11	A. <b>No.</b>	11	A. <b>On a day?</b>
12	Q. Was he the head of the facility at	12	Q. On a day.
13	that time?	13	A. <b>That depends.</b>
14	A. <b>I don't know.</b>	14	Q. What does it depend on?
15	Q. You don't know. Where is the	15	A. <b>Depends on the page size and what</b>
16	facility located that you work as a press	16	<b>our need figure is as per the collective</b>
17	room superintendent?	17	<b>bargaining agreement and the required number</b>
18	A. <b>900 East 132nd Street.</b>	18	<b>of people that we would request to work on a</b>
19	Q. Where is that?	19	<b>nightly basis.</b>
20	A. <b>Bronx.</b>	20	Q. What about on an average day?
21	Q. How long has the facility been	21	A. <b>Roughly 40 people.</b>
22	there?	22	Q. How do you supervise the employees
23	A. <b>February of 2001.</b>	23	in the press room?
24	Q. And previously where was the	24	A. <b>I delegate it to my foremen.</b>
25	facility located?	25	Q. How many foremen do you have right
	32		33
1	Walsh	1	Walsh
2	A. <b>South Street in Manhattan, lower</b>	2	now?
3	<b>Manhattan.</b>	3	A. <b>Twelve.</b>
4	Q. What was the reason for the move?	4	Q. What are the names of your foremen?
5	MS. GOLDSMITH: Objection.	5	A. <b>Do you want all of them now?</b>
6	A. <b>We moved the facility because it</b>	6	Q. Yes.
7	<b>was an antiquated building and we needed to</b>	7	A. <b>I should have brought a priority</b>
8	<b>upgrade equipment.</b>	8	<b>list with me.</b>
9	Q. And did you upgrade your equipment	9	<b>Brian Walsh, Bill Bogan, Tom Carew,</b>
10	when you went to the Bronx facility?	10	<b>Tom Scherrer.</b>
11	A. <b>Yes.</b>	11	Q. Could you spell that last name,
12	Q. How big is the Bronx facility?	12	please?
13	A. <b>Big.</b>	13	A. <b>S-C-H-E-R-R-E-R.</b>
14	Q. How big?	14	Donald Boyle, John Peers, Jack
15	A. <b>I don't know the square footage.</b>	15	Himpler, Jim Wilkinson, Gary Sanderson,
16	Q. How many floors?	16	Constantine Frangoulis, Richard Waldron,
17	A. <b>Three.</b>	17	Steven McNelis, Bill Schmidt.
18	Q. So it's smaller than this building?	18	Q. Is that it?
19	MS. GOLDSMITH: Objection.	19	A. <b>(Nodding.)</b>
20	A. <b>It's an industrial complex.</b>	20	Q. What does a foreman do for you?
21	Q. Besides what you testified earlier,	21	A. <b>Foreman is responsible for making</b>
22	are there any other duties and	22	<b>sure the presses are manned by the collective</b>
23	responsibilities being the superintendent of	23	<b>bargaining agreement. They're also</b>
24	the press room?	24	<b>responsible for supervising their individual</b>
25	A. <b>Just to supervise and make sure my</b>	25	<b>press that they are assigned to. They're</b>

	34		35
1	Walsh	1	Walsh
2	also responsible for the accurate press	2	manner. They're responsible for press
3	reporting and communicating with the	3	reporting, equipment fault reporting and any
4	supportive departments throughout the night's	4	disciplinary reporting.
5	production.	5	Q. Who is an under a foreman?
6	Q. How does one become a foreman?	6	A. <b>Excuse me?</b>
7	A. <b>They become chosen.</b>	7	Q. What position is under the foreman?
8	Q. What is the criteria to choose a	8	Who does the foreman supervise?
9	foreman?	9	A. <b>From the PIC's down.</b>
10	A. <b>Work ethic.</b>	10	Q. What is after the PIC?
11	Q. Work ethic?	11	A. <b>A journeyman.</b>
12	A. <b>(Nodding.) Loyalty.</b>	12	Q. What is a "PIC" again?
13	Q. Loyalty.	13	A. <b>Pressman in charge.</b>
14	Does one have to work at the Post	14	Q. You said a journeyman. What is
15	before obtaining the position of foreman?	15	after a journeyman?
16	A. <b>Not necessarily.</b>	16	A. <b>A flyboy, junior.</b>
17	Q. So you can hire people from the	17	Q. Then what is before a flyboy?
18	outside the Post, who work outside the Post?	18	A. <b>What's after a flyboy; is that your</b>
19	A. <b>As long as it's with the guidelines</b>	19	<b>question?</b>
20	<b>as of the collective bargaining agreement</b>	20	Q. (Nodding.)
21	<b>with the pressmen's union.</b>	21	A. <b>Casual.</b>
22	Q. You have the power to influence	22	Q. Anything before a casual?
23	hiring decisions?	23	A. <b>Yes.</b>
24	MS. GOLDSMITH: Objection.	24	Q. That's the lowest person?
25	Q. As part of your responsibilities	25	A. <b>No.</b>
	35		37
1	Walsh	1	Walsh
2	and duties as a press room superintendent, do	2	Q. Who is the lowest person?
3	you have any influence in hiring individuals	3	A. <b>A provisional.</b>
4	to work in the press room?	4	Q. What is a "provisional shaper"?
5	A. <b>What kind of individuals?</b>	5	A. <b>A "provisional shaper" is someone</b>
6	Q. Casuals.	6	<b>who comes in off the street and is looking</b>
7	A. <b>Yes.</b>	7	<b>for a day's pay.</b>
8	Q. Shapers?	8	Q. How does one become a provisional
9	A. <b>Yes.</b>	9	shaper?
10	Q. Do you have the power to discipline	10	A. <b>They walk in the door.</b>
11	these individuals?	11	Q. Who do they speak to when they walk
12	A. <b>Yes.</b>	12	in the door?
13	Q. What type of discipline?	13	A. <b>They sign a provisional sign-in</b>
14	A. <b>Depends on the infraction.</b>	14	<b>sheet.</b>
15	Q. Besides the 12 foremen that you	15	Q. Who is in charge of the sign-in
16	previously testified, can you explain the	16	sheet?
17	chain of the command in the press room	17	A. <b>The foreman.</b>
18	starting with the top to the bottom of the	18	Q. The foreman at that given time?
19	positions?	19	A. <b>Yes.</b>
20	A. <b>Each individual foreman is</b>	20	Q. What does a provisional shaper do?
21	<b>responsible for their press reporting,</b>	21	A. <b>Shapes.</b>
22	<b>communicating with other departments, making</b>	22	Q. What type of responsibilities or
23	<b>sure the flow of production is as smooth as</b>	23	duties would they do when they shape?
24	<b>possible, so they get out the door as fast as</b>	24	A. <b>They just sign their name.</b>
25	<b>possible, so the paper gets out on a timely</b>	25	Q. And they just hang out?

		38	
1	Walsh	1	Walsh
2	<b>A. Yes.</b>	2	Q. Who pays these individuals?
3	Q. What do they exactly do to assist	3	<b>A. The New York Post.</b>
4	in the press room?	4	Q. Are you the person in charge of
5	<b>A. If there is a need for a</b>	5	these provisional shapers, the head person?
6	<b>provisional, if we get that short-staffed, we</b>	6	MS. GOLDSMITH: Objection.
7	<b>have a whole series of procedures that we do</b>	7	<b>A. No.</b>
8	<b>prior to getting to a provisional.</b>	8	Q. Who is?
9	Q. Have you ever been involved in	9	<b>A. The company.</b>
10	hiring a provisional shaper?	10	Q. Who in the company?
11	<b>A. Yes.</b>	11	<b>A. Repeat the question.</b>
12	Q. How?	12	Q. Who in the company is?
13	<b>A. I don't understand the question.</b>	13	<b>A. There are a few individuals.</b>
14	Q. Do you have influence in hiring the	14	Q. What individuals?
15	provisional shaper, you said?	15	<b>A. Legal counsel.</b>
16	<b>A. Yes.</b>	16	Q. Anyone else?
17	Q. What type of influence do you have?	17	<b>A. And my boss.</b>
18	<b>A. All of my foremen and myself</b>	18	Q. Previously you testified that right
19	<b>discuss the hiring of outside provisionals</b>	19	now there are 12 foremen in the press room.
20	<b>and casuals.</b>	20	Are they all men?
21	Q. What do you talk about?	21	<b>A. Yes.</b>
22	<b>A. Their work ethic.</b>	22	Q. To the best of your knowledge how
23	Q. Is there anything else?	23	many shapers are there at a given time in the
24	<b>A. (Nodding.) No.</b>	24	press room --
25	Q. Just their work ethic?	25	MS. GOLDSMITH: Objection.
		39	
1	Walsh	1	Walsh
2	MS. GOLDSMITH: Objection.	2	Q. -- when needed?
3	You can answer it if you can.	3	<b>A. Depends. Depends on the day.</b>
4	THE WITNESS: What's the question?	4	Q. Why would that be?
5	(Record read.)	5	<b>A. Well, it was July 4th weekend, I</b>
6	<b>A. Yes.</b>	6	<b>don't think you're going to get many people.</b>
7	Q. Do you know if Miss Lee was ever a	7	<b>If it's Super Bowl Sunday and it's snowing</b>
8	provisional shaper?	8	<b>out, you'll probably get some more.</b>
9	<b>A. Yes.</b>	9	Q. To the best of your knowledge, who
10	Q. Do you know the time period?	10	gave Miss Lee the job of shaping?
11	<b>A. Not the specific time period.</b>	11	MS. GOLDSMITH: Objection.
12	Q. Do you know around when?	12	<b>A. Miss Lee was a provisional.</b>
13	<b>A. 2004.</b>	13	Q. Correct.
14	Q. And how much does an individual who	14	When she came in to sign in as a
15	is a provisional shaper make on a given	15	provisional, when she signed her name, do you
16	shift?	16	know who she spoke with?
17	<b>A. Repeat the question.</b>	17	MS. GOLDSMITH: Objection.
18	Q. How much money does the provisional	18	<b>A. I do not.</b>
19	shaper receive on a given shift?	19	Q. What is a "casual"?
20	<b>A. Then or now?</b>	20	<b>A. "Casual" is a substitute individual</b>
21	Q. Then.	21	<b>who -- if needed would be called to work.</b>
22	<b>A. One hundred fifty.</b>	22	Q. What type of duties does a casual
23	Q. What about now?	23	in the press room perform if they're needed?
24	<b>A. I don't know what the -- I don't</b>	24	<b>A. They would conduct the same duties</b>
25	<b>know what the inflation rate was -- is.</b>	25	<b>as a flyboy out on the press.</b>
		40	

	42	44
1	<b>Walsh</b>	
2	Q. What type of duties is that?	1
3	<b>A. You want me to repeat all those</b>	2
4	<b>duties I said before?</b>	3
5	Q. No. You don't have to.	4
6	<b>A. Thank you.</b>	5
7	Q. Is a casual -- have a higher	6
8	position than a provisional?	7
9	MS. GOLDSMITH: Objection.	8
10	<b>A. Yes, yes.</b>	9
11	Q. Can you explain?	10
12	<b>A. Casual is on a casual sheet.</b>	11
13	Q. What is a "casual sheet"?	12
14	<b>A. Casual sheet is a sheet that has</b>	13
15	<b>people's names on it, and when the office and</b>	14
16	<b>the union expire their need of workers, we</b>	15
17	<b>revert to the casual list.</b>	16
18	Q. So how does one shed their status	17
19	as provisional shaper and become a casual?	18
20	<b>A. Can you repeat the question?</b>	19
21	Q. How does one shed their status as a	20
22	provisional shaper and become placed on the	21
23	press room's casual list?	22
24	<b>A. How do they shed their status?</b>	23
25	Q. Yes.	24
		25
		A. <b>Bill Bogan and Brian Walsh.</b>
	43	45
1	<b>Walsh</b>	
2	<b>A. What does that mean?</b>	1
3	Q. How does one leave the position as	2
4	a provisional shaper and then become on the	3
5	press room casual list?	4
6	<b>A. Depending on if we need casuals, we</b>	5
7	<b>would add them to a casual sheet, elevate</b>	6
8	<b>them to casual status.</b>	7
9	Q. And what criteria do you use that	8
10	you would elevate these provisional shapers	9
11	onto the casual list sheet?	10
12	<b>A. Depends if we need to elevate</b>	11
13	<b>provisionals to casuals.</b>	12
14	Q. The time when you do need to, what	13
15	would it be?	14
16	<b>A. Can you repeat that?</b>	15
17	Q. The times that you would need these	16
18	individuals on the casual -- I am sorry.	17
19	MS. SKIR: Could you read that	18
20	back, please.	19
21	(Record read.)	20
22	<b>A. We elevate our provisionals to</b>	21
23	<b>casual status. We have a criteria we use.</b>	22
24	<b>It's attitude and aptitude criteria.</b>	23
25	Q. Anything else besides attitude and	24
		25
		Q. How did you grade her?

	46	
1	Walsh	1
2	<b>A. Through the aptitude and attitude</b>	<b>A. I see it.</b>
3	<b>process.</b>	Q. Do you recognize this document?
4	Q. Is there a manual that explains the	<b>A. Yes.</b>
5	procedures and rules of casuals?	Q. Are you familiar with it?
6	<b>A. I don't follow.</b>	<b>A. Yes.</b>
7	Q. Is there a book that tells about	Q. When is it dated?
8	the rules and procedures of staying on the	<b>A. It's dated January 25, 2005.</b>
9	press room casual list and what a casual must	Q. Who wrote the letter?
10	do?	<b>A. The person who signed it is Raymond</b>
11	<b>A. Yes.</b>	<b>Walsh, Jr.</b>
12	Q. And where is that posted?	Q. What is the letter?
13	<b>A. It's a letter.</b>	<b>A. This is a letter notifying an</b>
14	Q. It's just a letter?	<b>individual that they had been placed on the</b>
15	<b>A. Uh-hmm, yes.</b>	<b>casual hiring list with the shape procedures</b>
16	Q. Nothing else?	<b>numbered below.</b>
17	<b>A. That's it.</b>	Q. Who is it addressed to?
18	Q. That's it. Do casuals receive it?	<b>A. Miss Eva Lee.</b>
19	<b>A. Yes.</b>	Q. Are you aware what the mode of
20	Q. How do they receive it?	delivery was?
21	<b>A. Either by mail or hand delivered.</b>	<b>A. The "mode of delivery," meaning how</b>
22	Q. Are you aware if the plaintiff	<b>it was delivered?</b>
23	Miss Lee received it?	Q. Yes.
24	<b>A. Yes.</b>	<b>A. I don't know if it was delivered by</b>
25	Q. Do you know around what time she	<b>mail or hand delivered. Don't know.</b>
	47	
1	Walsh	1
2	received it?	<b>Walsh</b>
3	<b>A. I believe it was in the early</b>	Q. Are you aware if she received it?
4	<b>January of '05.</b>	<b>A. Yes.</b>
5	Q. Who sends the rules and procedures	Q. How do you know?
6	to the casuals?	<b>A. Because she's on the list.</b>
7	<b>A. I do.</b>	Q. Now, after reviewing this document,
8	Q. What are the procedures and rules?	do you know what the shape procedures are?
9	<b>A. I don't know them off the top of my</b>	<b>A. Yes.</b>
10	<b>head right now.</b>	Q. Can you explain them to me?
11	Q. Can you explain the placement of	<b>A. One through eight?</b>
12	the rules?	Q. Sure.
13	MS. GOLDSMITH: Objection.	<b>A. Would you like me to read them.</b>
14	Q. I am going to show you what has	Q. No. Just could you summarize them
15	been Bates stamped NYP 0048 -- I am sorry. I	for me?
16	withdraw the last question.	<b>A. It states what some of the</b>
17	MS. SKIR: Please mark this as	<b>procedures are. You know, you have to shape</b>
18	Plaintiff's Exhibit 1.	<b>five nights a week, Saturdays and Sundays are</b>
19	(Plaintiff's Exhibit 1, letter	<b>required, all other nights are optional. And</b>
20	dated January 25, 2005, marked for	<b>then it talks about there will be no shape --</b>
21	identification, as of this date.)	<b>day-side shape, and it's specifies how a</b>
22	Q. The reporter has just handed you	<b>person gets called for work in the order --</b>
23	what has been marked as Exhibit 1 for	<b>you know, the one through five, and blah,</b>
24	identification purposes. Please review the	<b>blah, blah, all that stuff. And then it</b>
25	document, Mr. Walsh.	<b>talks about how the provisional shapers would</b>
		<b>be hired after the casuals. It talks about</b>

	50	52
1	<b>Walsh</b>	
2	any excused absences from the foremen's	1
3	approval, the company periodically evaluates	2
4	the performance of casuals, failing to meet	3
5	the shape requirements result in being	4
6	removed from the list. It tells them that	5
7	they're on a probationary period, you know,	6
8	whatever, probationary employees. And it	7
9	also says the company reserves right to add,	8
10	change or delete any of the procedures,	9
11	requirements or rules set forth. And then it	
12	just says you're shaping record will be	
13	revised periodically. And then it says "Ray	
14	Walsh, Jr." on it.	
15	Q. Besides this document are there any	
16	other documents that explain shape	
17	procedures?	
18	A. No.	
19	Q. How do you have a --	
20	Is there a formal review of these	
21	casuals?	
22	MS. GOLDSMITH: Objection.	
23	Q. Do you formally review casuals on a	
24	daily basis?	
25	A. No.	
		53
1	<b>Walsh</b>	
2	Q. You don't.	1
3	Who reviews their competence, their	2
4	competence?	3
5	A. <b>Foremen.</b>	4
6	Q. The foremen?	5
7	A. Yes.	6
8	Q. Do you have any input on that?	7
9	A. Yes.	8
10	Q. What type of input?	9
11	A. Feedback.	10
12	Q. What type of feedback?	11
13	A. From my foremen.	12
14	Q. Is this documented?	13
15	A. No.	14
16	Q. So it's just you talk about it	15
17	orally and there is no written communication	16
18	about the evaluations of their competence?	17
19	MS. GOLDSMITH: Objection.	18
20	A. Unless there is an infraction	19
21	report.	20
22	Q. Besides the foremen and yourself,	21
23	is there anyone else who evaluates the	22
24	casuals?	23
25	A. No.	24
1	<b>Walsh</b>	
2	the record.	
3	(Discussion off the record.)	
4	Q. Were there the 11 casuals at the	
5	time of 2005, or are there 11 casuals at this	
6	time in 2007?	
7	A. 2005.	
8	Q. How many casuals are on the list	
9	presently?	
10	A. Four.	
11	Q. Previously you testified at some	
12	point Miss Lee was graded, she was graded?	
13	MS. GOLDSMITH: Objection.	
14	Q. Reviewed?	
15	A. Yes.	
16	Q. Do you recall when she was	
17	reviewed?	
18	A. December of '04.	
19	Q. So that was before she received	
20	Plaintiff's Exhibit 1?	
21	A. Yes.	
22	Q. And who was involved in that	
23	review?	
24	A. Myself.	
25	Q. Anyone else?	

	76		80
1	Walsh	1	Walsh
2	MR. SACK: Thank you.	2	log all this information?
3	Q. Mr. Walsh, as you sit here today,	3	<b>A. Yes.</b>
4	do you know when Phil Anzalone became an	4	Q. So the actual shaper him or herself
5	employee of the Post?	5	doesn't actually sign the sheet?
6	<b>A. Not off, no.</b>	6	<b>A. Yes, they have to sign the sheet.</b>
7	Q. Do you happen to have any	7	Q. What information is asked for on
8	recollection or recall of whether or not	8	the sign-in sheet besides the signature of
9	Mr. Anzalone began to shape before or after	9	the shaper?
10	Miss Lee?	10	<b>A. Well, you have the casual sheet,</b>
11	<b>A. He shaped before Miss Lee.</b>	11	<b>the shape sheet, and then you have your name</b>
12	Q. How do you know that?	12	<b>on it, print, you know -- and then you have a</b>
13	<b>A. Phil Anzalone is a steady situation</b>	13	<b>sign and then signature, and you know, your</b>
14	<b>employee at New York Post.</b>	14	<b>phone number, things like that.</b>
15	Q. Currently, correct?	15	Q. Is there a time-in, time-out box or
16	<b>A. Yes.</b>	16	slot?
17	Q. Isn't it a fact that Miss Lee and	17	<b>A. No, there is no time-in.</b>
18	Mr. Anzalone shaped at the same time?	18	Q. Now, who decides which provisional
19	<b>A. I don't know.</b>	19	receives an opportunity to work?
20	Q. Is it possible that Miss Lee	20	<b>A. It's random.</b>
21	actually began to shape before Mr. Anzalone?	21	Q. What do you mean by that?
22	<b>A. I don't know.</b>	22	<b>A. We pick and choose.</b>
23	Q. Do you know Bill Trank?	23	MS. GOLDSMITH: Who decides?
24	<b>A. Yes.</b>	24	I am sorry.
25	Q. Who is he?	25	THE WITNESS: The foremen.
	79		81
1	Walsh	1	Walsh
2	<b>A. He's a junior.</b>	2	MS. GOLDSMITH: Who decides?
3	Q. The same as Mr. Anzalone?	3	THE WITNESS: The foremen.
4	<b>A. Correct.</b>	4	Q. All the foremen that you previously
5	Q. Do you recall when he began to	5	testified to, they're all white males; is
6	shape as a provisional?	6	that correct?
7	<b>A. I don't know the specific date.</b>	7	<b>A. Yes.</b>
8	Q. Are there any documents maintained	8	Q. Brian Walsh, is he related to you?
9	by the Post that would bear this information?	9	<b>A. Yes.</b>
10	<b>A. Yes.</b>	10	Q. How is he related to you?
11	Q. What documents are those?	11	<b>A. He's my brother.</b>
12	<b>A. Shape records.</b>	12	Q. Older or younger?
13	Q. When you say "shape records," what	13	<b>A. Younger. Yes, younger.</b>
14	exactly are you referring to?	14	Q. Now, you said that random foremen
15	<b>A. These documents here and the other</b>	15	pick which provisionals work on any given
16	<b>documents when you sign in.</b>	16	shift; is that your testimony?
17	Q. So Plaintiff's 2 and the	17	<b>A. Yes.</b>
18	handwritten notes that are taken by foremen	18	Q. Have you ever had to make a hiring
19	at the shape?	19	decision in your capacity as superintendent
20	<b>A. It's the casual sign-in sheet.</b>	20	in hiring provisionals?
21	Q. Those documents would show when, in	21	<b>A. I'm sure at one time I had to.</b>
22	fact, someone would come and appear at the	22	Q. Were you ever in charge of making a
23	shape?	23	decision as to whether Miss Lee would work as
24	<b>A. Yes.</b>	24	a provisional?
25	Q. Is it your testimony that foremen	25	<b>A. I don't recall.</b>

	82	84
1	Walsh	
2	Q. You don't recall whether or not you	1 a grade or evaluation form?
3	specifically either affirmatively or	2 A. Yes.
4	negatively denied her the opportunity to work	3 Q. Have you done so for Miss Lee?
5	as a provisional?	4 A. Yes.
6	A. <b>Can you repeat the question?</b>	5 Q. Approximately how many times?
7	MR. SACK: Please read it back.	6 A. Once.
8	(Record read.)	7 RQ. MR. SACK: We're going to ask for
9	<b>A. I have affirmatively let her work</b>	8 that document.
10	<b>as a provisional in the press room.</b>	9 MS. GOLDSMITH: We will get you
11	Q. Approximately how many times?	10 it.
12	A. <b>I wouldn't know.</b>	11 MR. SACK: Thanks.
13	Q. When was this, if you can recall?	12 Q. That was in December '04,
14	A. <b>I don't know offhand, you know.</b>	13 approximately?
15	Q. What motivated your decision to	14 A. Yes.
16	hire Miss Lee as a provisional?	15 Q. That's the only time Miss Lee's
17	<b>A. We give people chances to prove</b>	16 work performance at that time as a
18	<b>themselves in the press room.</b>	17 provisional was evaluated?
19	Q. And that's why you gave her a	18 MS. GOLDSMITH: Objection. Asked
20	chance to work?	19 and answered.
21	A. Yes.	20 A. Yes.
22	Q. And as a result of you providing	21 Q. During Miss Lee's appointment to
23	Miss Lee the opportunity to work, what was	22 the casual list, has she ever been the
24	your analysis of her job performance as a	23 subject of an evaluation or rating, if you
25	provisional?	24 know?
	83	85
1	Walsh	
2	A. <b>It was fair.</b>	1 Walsh
3	Q. And what are you basing that upon?	2 A. <b>Just repeat that again, please.</b>
4	A. <b>My 28-years experience in the</b>	3 (Record read.)
5	<b>industry.</b>	4 A. <b>Not to my knowledge.</b>
6	Q. If you had the opportunity to hire	5 Q. Are casuals subject to any sort of
7	Miss Lee and there was an opening or a need	6 evaluation when they're on the casual list?
8	for her to work on a press tonight, for	7 A. Yes.
9	example, would you recommend hiring her to	8 Q. And what is that criteria?
10	one of the foremen?	9 A. <b>It's in exhibit -- it's this</b>
11	A. <b>Miss Lee is on the casual list.</b>	10 <b>exhibit (indicating).</b>
12	Q. What does that mean?	11 Q. It's included in Plaintiff's 1?
13	A. <b>She fits the work, she goes to</b>	12 A. <b>I believe so, yes.</b>
14	<b>work.</b>	13 Q. Now, how often are the ratings or
15	Q. Who dictates the order maintained	14 evaluations of casuals conducted?
16	on the casual list?	15 A. <b>It depends.</b>
17	A. <b>That order was dictated due to the</b>	16 Q. What does it depend on, sir?
18	<b>criteria ratings.</b>	17 A. <b>It depends on their work</b>
19	Q. Now, these criteria ratings, are	18 <b>performance.</b>
20	they documented anywhere?	19 Q. What do you mean by that?
21	A. <b>I don't know if I have any. They</b>	20 A. <b>If I have a casual that is not</b>
22	<b>are submitted to our attorney Elliott.</b>	21 <b>performing up to their ability or just</b>
23	Q. So they are documented?	22 <b>falling apart or failing, we need to take a</b>
24	A. <b>I would assume so.</b>	23 <b>good, hard look at it and see if they're</b>
25	Q. Have you ever personally filled out	24 <b>going to cut -- make the cut.</b>
		25 Q. Conversely, if someone is doing

	94		96
1	<b>Walsh</b>	1	<b>Walsh</b>
2	<b>reason not contrary to the law."</b>	2	<b>counsel.</b>
3	Q. What is meant by that paragraph?	3	Q. Have you had to do that in the
4	A. <b>What is meant by it?</b>	4	past?
5	Q. Yes.	5	A. <b>Yes.</b>
6	A. <b>You could probably just take them</b>	6	Q. Can you describe those situations?
7	<b>off the list.</b>	7	A. <b>What time period?</b>
8	Q. That's what you mean by paragraph	8	Q. Within the last five years.
9	7?	9	A. <b>I had an individual who wasn't</b>
10	A. <b>They're on probation when they get</b>	10	<b>meeting the shape requirements, and I tried</b>
11	<b>on the casual list. They're not performing</b>	11	<b>to reach out and get in contact with him, and</b>
12	<b>their duties, we have the right to remove</b>	12	<b>finally he showed up. I already had a</b>
13	<b>them from the list.</b>	13	<b>letter written up for his removal from the</b>
14	Q. Now, if someone is on the casual	14	<b>list, and he came in and told me his</b>
15	list, and they can't possibly comply with the	15	<b>hardship. Obviously, the rules stated that</b>
16	shape procedures due to the fact that they're	16	<b>he would be delisted, but I had spoken to</b>
17	out of the country, for example, what would a	17	<b>counsel regarding --</b>
18	foreman or you do in determining whether or	18	MS. GOLDSMITH: I am going to
19	not that person would be disciplined?	19	advise my client not to discuss his
20	MS. GOLDSMITH: Objection.	20	discussions with counsel because they're
21	A. <b>I don't know.</b>	21	privileged.
22	Q. What did you do in those three	22	A. <b>I had asked counsel --</b>
23	instances that you previously described where	23	MS. GOLDSMITH: Be careful.
24	you had to delist those individuals?	24	THE WITNESS: I know.
25	A. <b>Right.</b>	25	A. <b>This person had a hardship, and I</b>
	95		97
1	<b>Walsh</b>	1	<b>Walsh</b>
2	Q. What was the protocol?	2	had felt as though this individual was a good
3	A. <b>I just wrote them a letter. I</b>	3	worker, he wasn't a troublemaker, I would
4	<b>wouldn't let them in the building.</b>	4	appreciate it if we give an opportunity for
5	Q. Did you have a meeting with any of	5	this person to remain on the list.
6	the foremen about the issues?	6	Q. What was done, if anything?
7	A. <b>No.</b>	7	A. <b>He remained on the list.</b>
8	Q. You just made a unilateral decision	8	Q. So is it fair to say that there are
9	to exclude these three troublemakers?	9	certain exceptions that are made depending on
10	A. <b>Yes.</b>	10	the presentation or the facts surrounding why
11	Q. Hypothetically, if I'm on the	11	that person may not be compliant with the
12	casual list and I work my butt off and I tell	12	shape requirements?
13	you I am going to go out of town for two	13	A. <b>There may be some instances.</b>
14	months, and in fact, I don't come back to	14	Q. Getting back to the casual list and
15	work for two and a half months, what, if	15	casuals in general, are casuals employees of
16	anything, would you do in that circumstance?	16	the Post?
17	MS. GOLDSMITH: Objection.	17	A. <b>When they are hired, they fall</b>
18	A. <b>I would reach out see if I could</b>	18	<b>underneath the guidelines of the New York</b>
19	<b>get in touch with you.</b>	19	<b>Post policies and procedures.</b>
20	Q. And what if you couldn't?	20	Q. Are they employees?
21	A. <b>I would see if somebody could get</b>	21	A. <b>They're substitutes who fill in for</b>
22	<b>in touch with you.</b>	22	<b>the -- they fill the void for the collective</b>
23	Q. What if we were unable to discuss	23	<b>bargaining agreement, you know, holes</b>
24	the situation?	24	<b>(indicating), that they would fall underneath</b>
25	A. <b>Then I would seek advice from</b>	25	<b>the jurisdiction of the union's jurisdiction</b>

	98	100
1	<b>Walsh</b>	1
2	and company's guidelines. You know, you're a	2
3	guest, but you have to follow the rules like	3
4	everybody else. That goes for both sides.	4
5	Q. What do you mean "both sides"?	5
6	A. Well, you've got the union and	6
7	you're going to do what the union's policies	7
8	and procedures are as far as work,	8
9	jurisdictions with their job, and also you're	9
10	hired here tonight as a sub, casual or	10
11	whatever, and you've got to follow within the	11
12	office rules, guidelines.	12
13	Q. How did the various or -- I would	13
14	probably assume, the pressmen's collective	14
15	bargaining agreement with the Post, how does	15
16	that influence a casual's position at all, if	16
17	any?	17
18	MS. GOLDSMITH: Objection.	18
19	A. I don't understand.	19
20	Q. You said that a casual would fall	20
21	under the jurisdiction of the Post's policies	21
22	and procedures, as well as the union CBA.	22
23	How is that?	23
24	A. Journeymen's work is journeymen's	24
25	work. Boys' work is boys' work. I wouldn't	25
	99	101
1	<b>Walsh</b>	1
2	ask a journeyman on or a flyboy to fix a	2
3	lightbulb because that the electrical union,	3
4	and we would be walking around with candles.	4
5	I wouldn't ask them to fix a mechanical on a	5
6	particular piece equipment if it's the	6
7	machinist's jurisdiction. I also wouldn't	7
8	ask them to go out to the truck and start	8
9	loading bundle of papers to the truck because	9
10	that's within the delivery jurisdiction.	10
11	When they're within the box of the press	11
12	room, they'll do what they're required to do	12
13	within the press room's jurisdiction.	13
14	Q. But the casuals aren't a	14
15	represented party in the collective	15
16	bargaining agreement between the Post and the	16
17	union, correct?	17
18	A. They're hired in spot and in the	18
19	same spot as a junior who is not there. So	19
20	they're filling the void as -- you know, the	20
21	casual is filling where the junior would not	21
22	be there.	22
23	Q. But a casual is not protected by	23
24	rights that are contained in the collective	24
25	bargaining agreement because they're not	25
	<b>Walsh</b>	
1	discussed but it had something to do with a	
2	vacation?	
3	A. Yes.	
4	Q. Where did that discussion take	
5	place?	
6	A. In my office.	
7	Q. And where is that in relation to	
8	the press room?	
9	A. I'm right there.	
10	Q. On the first floor?	
11	A. I-M, yes.	
12	Q. One?	
13	A. Yes, one.	
14	Q. How did it come to be that Miss Lee	
15	brought the subject up to you?	
16	A. She asked if she could have some	
17	time off.	
18	Q. Did she walk into your office?	
19	A. She was at my door.	
20	Q. She requested time off?	
21	A. Yes.	
22	Q. Did she do it verbally or in	
23	writing?	
24	A. Verbally.	

	106	108	
1	Walsh	1	Walsh
2	to the hiring of what they call offlist --	2	Lee worked in the mailers.
3	MS. GOLDSMITH: Objection.	3	Q. M-A-I-L-E-R-S?
4	Q. -- potential workers?	4	A. Yes.
5	A. No.	5	And she works -- and she is a union
6	Q. Do you know who Eric Abraham is?	6	member in the mailers' union, and I found out
7	A. No.	7	she is a mailer union -- you know, a union --
8	Q. I want to direct your attention	8	a member in the mailers' union and she
9	back to the year 2004, before Miss Lee was	9	started shaping in the pressmen's ranks. I
10	sent your letter advising her that she was	10	don't believe that she should be shaping in
11	going to be placed on the casual list. Do	11	both departments.
12	you recall having a conversation with her	12	Q. Why is it that?
13	regarding whether or not she could work in	13	A. Because she has a union card in the
14	two departments at the Post?	14	mailers union.
15	A. Yes.	15	Q. Is that the only reason?
16	Q. And do you recall the sum and	16	A. I don't believe that a person with
17	substance of that conversation?	17	a union card in this industry should hold two
18	A. I knew she worked in the mailroom.	18	union cards in the same craft in the same
19	Q. But do you recall what the	19	industry.
20	conversation was -- what it pertained to?	20	Q. Why is that?
21	A. No.	21	A. Because that's just the way I
22	Q. But it regarded the fact that	22	think.
23	Miss Lee was at that time working as needed	23	Q. When you say "in the industry," are
24	in the press room and also in the mailroom,	24	you referring to the production of
25	correct?	25	newspapers?
	107	109	
1	Walsh	1	Walsh
2	A. I don't understand the question.	2	A. The newspaper industry.
3	Q. In 2004 do you know if Miss Lee was	3	Q. Isn't it a fact that there are
4	working in the mailroom at the Post?	4	several employees of the Post who are members
5	A. What part of 2004?	5	of more than one union who apparently work at
6	Q. Any part of 2004?	6	the Post?
7	A. Yes.	7	A. I don't know that.
8	Q. And at that time was Miss Lee also	8	Q. Is there a post policy regarding
9	shaping in the press room?	9	whether someone can at the same time maintain
10	A. Yes.	10	membership in two separate unions?
11	Q. And you testified previously that	11	A. I don't know of a policy.
12	Miss Lee and yourself had a conversation	12	MR. SACK: Let's mark this as
13	regarding her situation, right?	13	Plaintiff's Exhibit 3, please.
14	A. What situation?	14	(Plaintiff's Exhibit 3, one-page
15	Q. The situation, meaning the fact	15	document, marked for identification, as
16	that she was working in both the mailroom and	16	of this date.)
17	the press room?	17	Q. Let the record reflect the witness
18	A. Right.	18	has been handed a copy of what has been
19	Q. And do you recall the sum and	19	marked Plaintiff's 3.
20	substance of that conversation?	20	Sir, I would ask you to take an
21	A. I don't know the specifics of it.	21	opportunity to review what has been marked
22	Q. Generally what was the conversation	22	Plaintiff's 3. It's a one-page document.
23	about?	23	A. Okay.
24	A. I don't -- I don't think that I	24	Q. Have you had an opportunity to
25	knew Eva Lee worked in the -- I know that Eva	25	review the document?

	142		144
1	<b>Walsh</b>	1	<b>Walsh</b>
2	Q. Can you describe to me what your	2	MR. LIPPNER: I don't think he
3	level of involvement is with the human	3	understood the question.
4	resources department?	4	MR. SACK: Let's take a two-minute
5	<b>A. Follow-up with workers' comp</b>	5	recess.
6	<b>claims, forms, payroll issues, people out</b>	6	(Recess taken.)
7	<b>sick, people want to go out on disability. I</b>	7	MR. SACK: I have just a few
8	<b>try to expedite getting forms to the</b>	8	questions, and then I don't know, if you
9	<b>employees if they're going out for an</b>	9	have any questions planned, but you will
10	<b>operation.</b>	10	have your chance to question.
11	Q. Do they ever question you regarding	11	MS. GOLDSMITH: Go ahead.
12	a decision either made by you or by one of	12	MR. SACK: Thanks.
13	your foremen to either hire either a	13	BY MR. SACK:
14	provisional or a casual to fill a shift?	14	Q. Mr. Walsh, I know you said you
15	<b>A. No.</b>	15	didn't read the complaint, but there is an
16	Q. When you sent that 2005, letter	16	allegation that you denied plaintiff the
17	Plaintiff's 1, to plaintiff, was she required	17	opportunity to work in October of 2004 when
18	to fill out any paperwork?	18	she was a provisional?
19	<b>A. No.</b>	19	<b>A. Yes.</b>
20	Q. So she was just put on the list and	20	Q. Do you recall that specific
21	she's on the list and that's it, right?	21	incident?
22	<b>A. Yes.</b>	22	<b>A. Yes.</b>
23	Q. Now, if she was somehow able to	23	Q. What do you recall about that
24	meet the shift requirement, whether it was	24	incident?
25	110 shifts, whether it was the new current	25	<b>A. I didn't want her working in the</b>
	143		145
1	<b>Walsh</b>	1	<b>Walsh</b>
2	shift requirement of 124, what type of	2	<b>press room.</b>
3	paperwork would she be required to fill out	3	Q. I am sorry?
4	to become an employee of the Post?	4	<b>A. I don't want her working in the</b>
5	MS. GOLDSMITH: Objection.	5	<b>press room.</b>
6	<b>A. The basic paperwork that she</b>	6	Q. That's what you said to the
7	<b>already filled out was identification, you're</b>	7	plaintiff?
8	<b>a U.S. citizen, you're 18 years of age, your</b>	8	<b>A. I don't believe that she should be</b>
9	<b>driver's license, social security card, tax</b>	9	<b>working in two departments because she holds</b>
10	<b>reasons and 401K, you know, application,</b>	10	<b>a union membership in the mailroom.</b>
11	<b>pension, dues checkoff, things like that.</b>	11	Q. Is this what you told the
12	Q. Why would the plaintiff here fill	12	plaintiff?
13	out those documents?	13	<b>A. I believe so.</b>
14	<b>A. We have an automatic dues deduction</b>	14	Q. What did she say to you in
15	<b>from our paychecks through the union and the</b>	15	response?
16	<b>finance department with the New York Post.</b>	16	<b>A. I can't remember.</b>
17	<b>As opposed to me mailing a check every week</b>	17	Q. And your decision was based solely
18	<b>or every month, we have it automatically</b>	18	on your personal belief which you've
19	<b>deducted from our paycheck.</b>	19	expressed a couple of times today?
20	Q. Are you referring to the pressmen's	20	<b>A. Yes.</b>
21	union?	21	Q. And it has nothing to do with the
22	<b>A. Union dues, yes.</b>	22	fact that the plaintiff is a woman?
23	Q. But Miss Lee isn't a member of that	23	<b>A. Not at all.</b>
24	union; is that correct, is not?	24	Q. And it has nothing to do with the
25	<b>A. Right.</b>	25	fact that she is Chinese or of Chinese